1947.

File No. Bud-II-27 Mofl/47-48 pt I

Legal DEPARTMENT

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Vol. I. Subject:— Budget Estimates and grants including re-appropriation of Administration of Justice — Mofussil Establishment

(For subsequent papers pl. see pt II)

(P 32. E)

File No. Bud II-27-Mofl/47-48 PtI

Stl. Sectt. Slip 24 B e.

21 C

CONTENTS.

LEGAL DEPARTMENT.

Volume : Bud.II27-Moff/47-48.

Sr.No.	Compilation No.	Subject.	Pages.
	Bud. II 27 Moff/47-48 R-I.	Budget Estimates and grants including re-appropriation of Administration of Justic Mofusil Establishment.	
	F.211/2/42-C.P.G.(Judl) 10-1-45. R.I. 430/15-1-45	Contribution payable to the Govt. of Bombay for the work done by their Law Officers for the Central Government.	1-21
2.	F.211/2/42.C and G. (Judl.) 11-9-45. R.I. 7882/13-9-45	Contribution paid to the Govt. of Bombay for the work done by their Law Officers for the Central Government from 1st April 45.	23-39
3.	F.211/2/42-c and G (Judl) 13-2-46. R.I. 1440/16-2-46	Contribution payable to the Govt. of Bombay for the work done by their Law Officers for the Central Government.	41-49
4.	L.D.Circular memo 4980 12-7-46.	Fees- Recovery of - From the Military Estate Officers and Cantonment Boards for advice tendered by the D.G.P's.	57
5.	F211/2/45 C and G (Judl) 25-5-46 R.I. 4713/28-5-46	Contribution to the Govt. of Bombay for the Services rendered by their Law Officers to the Central Govt. Budget estimates for 46-47.	53-79
6.	F 211/4/46 C and G (Judl) 10-12-46. R.I. 11348/13-12-46.	Contribution to the Govt. of Bombay for the Services rendered by their Law Officers to the Central Govt. Budget Estamotes for 1947-48.	81-85

3105

25/5

25/5

No.F.211/2/42-C. & G.(Jail.)
Government of India,
LEGISLATIVE DEPARTMENT.

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From - K.V.K. Sundaram, Esquire, I.C.S.,
Joint Secretary to the Government of India.

To - The Secretary to the Government of Bombay,
Legal Department.

New Delhi, the 10th January, 1945.

Subject:- Contribution payable to the Government of Bombay for the work done by their Law Officers for the Central Government.

.....

Sir,

With reference to the correspondence resting with your letter No.2818, dated the 14th April, 1944, on the subject noted above, I am directed to state that on a scrutiny of the lists of the cases dealt with by the District Government Pleader, Poona, on behalf of the Central Government during the years from 1937 to 1941 a large number appear to be cases for which payments were made separately under the special arrangements made by the Defence and War Departments with the Provincial Government. It is very likely that a considerable number of the cases dealt with by the other Government Pleaders also fall under the same category in which case there will be a substantial reduction in the number of the cases on the basis of which the amount of the annual lump sum contribution payable to the Provincial Government is to be determined. I am accordingly to request that cases of the nature referred to for which separate payments are made to the Provincial Government under special arrangements with other Departments of the Government of India may kindly be excluded and a revised list with full particulars of the cases furnished to this Department for purposes of comparison.

I have the honour to be,
Sir,
Your obedient servant,

Sd/- K.V.K.Sundaram

Joint Secretary to the Government of India.

SNT/19.5.

Submitted for information in the first instance.

I.D. 17/1

Supdt. Sd/- 18/1.

Secy. Sd/- 18/1/45.

What is A about? Which Deptt. knows it?

Dy.Secy. Sd/- N.K.D. 19/1/45.

A.L.O. Sd/- 19/1.

Office Resubmitted.

Office is not aware of the arrangement referred to A in the Govt. of India letter on p. 1 ante.

These papers may therefore be circulated to all the depts of the Secty. except the Sept.Deptt. to ascertain from them as whether they have arrived at any arrangement with the Defence & War Depts or any other Dept. of the Govt. of India in regard to the payment of fees to the Law officers of Bombay Govt. for conducting cases on behalf of the depts.

I.d. 25/1.

Supdt. Sd/- 26/1.

S.A.O. Sd/- R.T.KATARKI. 26/1.

A.L.O. Sd/-

Write and ask DSP Poona whether he received separate payment from Defence and War Depts. for such work and if so under what arrangement.

No.906
Legal Department,
Bombay Castle, 30th January 1945.

Memorandum.

A copy of the Government of India, Legislative Department Letter No.F.211/2/42-C. & G. (Jail.) dated the 10th January 1945 is forwarded herewith to the District Government Pleader, Poona, and he is requested to state whether he receives separate payment from Defence and War Departments for the work done on behalf of those Departments and if so under what arrangement.

Sd/- B.T.Mehrki.
for Secretary to Government.

To

The District Government Pleader,
Poona.

SMT/21.5.

Submitted with papers.

1. These papers relate to the contribution payable to the Government of Bombay for the work done by their Law Officers for the Central Government.

2. The Secretary, Government of India, Legislative Department in reply to this Department Letter No.2818, dated the 14th April 1944 states that on a scrutiny of the list of cases dealt with by the District Government Pleader, Poona on behalf of the Central Government a large number appear to be cases for which payments were made separately under the special arrangements made by the Defence and War Department with the Provincial Government. He adds that it is likely that considerable number of cases dealt with by the other Government Pleaders also fall under the same category in which case there will be a substantial reduction in number of cases on basis of which the amount of the annual lump sum is to be determined. He therefore requests that the cases of the nature, for which separate payments are made under special arrangements with the other Departments of the Government of India may be excluded and requests that a revised list with full particulars of the case be furnished to him for purpose of comparison.

3. The D.G.P., Poona was accordingly written to this as per orders this was also circulated to all the Departments of the Secretariat to ascertain from them as to whether they had arrived at any arrangement with the Defence and War Departments or any other Departments of the Governments of the Government of India in regard to the payments of fees to Law Officers of Bombay Government for conducting cases of behalf of those Departments.

The replies received from the Home, General, Finance and Public Works Departments show that those Departments have not arrived at any arrangements with the Defence and War Departments or any other Departments of the Government of India in regard to the payment of fees to the Law Officers Bombay Government.

The Political and Services Department states that the Government receives a contribution of Rs.59,000/- from Government of India and the Crown Representative for agency functions. Of late Rs.5000/- out of this is being paid by the War Department and this amount that is received is for the functions which are performed in the Secretariat itself and not in Mofussil.

The Revenue Department states that it has not arrived at any special arrangements with the Defence and War or any other Department of the Government of India; but add that District Government Pleaders appearing in

.... P.T.O.

appearing in arbitration cases (Defence of India Act and Rules) where properties have been requisitioned for the Government of India including the Defence and War Department are paid 'fees' in accordance with the advice contained in para 3 of R.L.A's Memo.No.66(Genl.) dated the 7th March 1944.

Para 3 of the opinion above referred to runs as follows-

"3. The District Government Pleaders fees for appearance may be calculated on the basis on which the fees are calculated in a reference made under section 18 of the Land Acquisition Act (see rule 21(4) of the Law Officers (Conditions of Service Rules).

The District Government Pleader, Poona who was asked to state whether he receives separate payments from Defence and War Departments for the work done on behalf of these Departments and if so under what arrangements, states that no separate payment from the Defence and War Depar-tments is received by him for the work done on behalf of these Departments he adds that when the suits are filed for the possession of the Cantonment Land the Cantonment Boards have to defray the costs thereof. When ever such suits were filed or defended of behalf of Government the costs were paid by the Cantonment concerned. He further states that from the list of cases supplied it will be seen that the cases referred to in the list were in connection with the opinions that were given from time to time and that there were certain cases there drafts of documents had been prepared and sent to the officers concerned but no separate payments from the Defence and War Departments or from any other officer of these Departments received by him.

From the replies received from the Departments of the Secretariat and the District Government Pleader, Poona, it will be seen that no arrange-ment has been arrived at with the Defence and War Departments of any other Dept of the Government of India in regard to the payments of fees to the Law Officers of Bombay Government for conducting cases on behalf of those Departments.

Perhaps the Government of India, Legislative Department, may be informed accordingly, and that Department may be asked to ascertain from the Departments of the Government of India the Administrative Departments of the Government of Bombay with which they have arrived at special arrangements by which payments are made separately and communicate the same to the Government of Bombay.

Submitted.

2. The action suggested at 'A' above will not perhaps be proper. The position has become a bit difficult. The Govt. of India definitely states that "on the scrutiny of the list of the cases dealt with by the District Govt. Pleader, Poona, on behalf of the Central Department, a large number appear to be cases for which payments were made separately under the special arrangements made by the Defence and War Departments". While the D.G.P. Poona to whom a copy of this letter was sent for report denies receipt of any sums in payment for the opinions given from time to time except the cost of the actual work done in the Court.

3. It would have been helpful if the Govt. of India when remarking as above were to mention some definite items from the list so scrutinised in which payments are stated to have been made. It is not perhaps desirable now to ask them to do so in view of the D.G.P.'s reply. It may be a further bone-of-war, which will delay consideration of the question which as a matter of fact was started in 1942.

4. The crux of the situation is perhaps due to the fact that while the Govt. of India takes that so long they pay the cost of cases in the Court these should not be mentioned as items of work done for them as against the contribution. If this is so, such an assumption is not correct. We also pay the D.G.P's their fees as such awarded by the Court in addition to their monthly retainers. Contributions paid to us was based on the total cost of their monthly retainers and the cost of their staff in the ratio of the work done to the Provl.as to the Centre Deptt.

5. The statistics so far supplied to the Govt. of India stand as under:-

Year	Total number of cases dealt.	No. of cases on behalf of the Govt. of India	Payments.
37-38	4096	129	3.00
38-39	3874	94	2.43
39-40	4130	119	2.88
40-41	3534	73	2.06
Total:	15636	409	2.40.

6. No statement as regards the total cost of this Govt. set in relation to the services from which the above percentage to be taken was sent to the Govt. with the above statistics. Previous time (1936) the following cost was taken:-

1.	R.L.A. and staff.	1,98,700
2.	(a) C.P. High Court & staff	13,700
	(b) D.C.Ps. & their staff	46,700
	Total:	2,61,1800

The present cost is -

1.	R.L.A. & staff	2,21,100
2.	(a) D.C.P. High Court & staff	1f,700
	(b) DCO.Ps. & staff	45,900
	Total:	2,8f,700

7. From the above it will be seen that following the same method of calculation the contribution comes to about Rs.7,900/- only instead of Rs.12,000/-. This is owing to the less percentage of work done now.

8. Perhaps to suit matters short Govt. of India may be informed ui with reference to their letter (p. 1 ante) as follows:-

1. It is found very difficult to collect the exact cost figure from the D.C.Ps. of the past so many years as these officers were not full time Govt. servants and further they only hold the post for three years. An attempt was however made to get as correct information as possible.

2. As regards your statement that a large number of cases appear to be cases for which payments were made separately under the special arrangements made by the Defence and War Departments it would have been helpful if the particular items were indicated. An attempt was made to get the matter clarified from the D.C.P.Poona to whom a copy of your letter under reply was forwarded, the denial receipt of any sum in respect for the opinions given from time to time except the cost of the actual work done in the Court. Copy of the reply is enclosed.

3. It is presumed that the Govt. of India considers that when the cost of a suit conducted is paid by the Department concerned, it does not come as a cure undertaken on their behalf. If the presumption

presumption is correct it may be stated that the Provnl. Govt. also pay D.G.Ps. their fees as taxed by Court in each suit conducted by them in addition to the monthly retainer paid thank it to them and it is on this retainer that is paid to them that the amount of contribution was so fixed.

4. (a) The statistics already supplied to the Govt. of India stand as under :-

Year	Total number of cases	No. of cases on behalf of the G. of I.	Percentage.
37-38	4598	123	3.00
38-39	3874	94	2.43
39-40	4130	119	2.88
40-41	3534	73	2.06
Total :	15636	409	2.60

The present cost is -

1.	H.L.A. & staff	2,21,100
2.	(a) G.P.High Court & staff	18,700
	(b) D.G.Ps. & staff	45,900
	Total :	2,85,700

(b) It will therefore be seen that on the same old basis the percentage being now a little bit low i.e. 2.60 the contribution figure will be about Rs.7,500/- but it must be contended that owing to various Ordinances etc. good many references have to be attended to by the D.G.Ps. which are not included in the above figures as being Criminal work. It may also be further stated that since the separation of the post of the Solr. to Govt., the Public Prosecutor for Bombay has to attend to many cases of the Govt of India in addition to the company cases but these latter cases he is already compensated by fees recovered from the Central Deptt.

5. It is therefore hoped that for the reasons stated above the present contribution will be continued.

Sd/-

3/5.

Sd/- S.A.S. In view of the replies from the secretariat Depts.& D.G.P Poona it appears desirable to request the Central Govt. to kindly clarify the statement of in the letter at pl.ante

Sd/-

A/5.

A.L.R. Sd/- Yes, copies of the replies received may also be sent.

Sd/-

A/5.

SMT/21.5.

Letter.

No.3768
Legal Department.
Bombay Castle, 16th May 1945.

From:

P.N. Mase, Esquire, Barrister-at-Law, I.C.S.,
Secretary to the Government of Bombay
Legal Department.

To:

The Secretary to the Government of India,
Legislative Department,
New Delhi.

Subject:- Contribution payable to the Government of Bombay for the work done by their Law Officers for the Central Government.

Sir,

With reference to your letter No.F.211/2/43-B & C (Jail), ~~illegible~~ dated the 10th January 1945, on the above subject, I am directed to request that you will be so good as to clarify the statement that a large number of cases dealt with by the District Government Pleader, Poona appear to be cases for which payments were made separately under the special arrangement made by the Defence and War Departments with the Provincial Government. The replies received from the Administrative Departments of this Government on the District Government Pleader, Poona show that no arrangement has been arrived at with the Defence and War Departments or any other Departments of the Central Government in regard to the payment of fees to the Law Officers of this Government for dealing with cases (opinions as well as drafts) on behalf of the Central Government.

Copies of replies received from the Administrative Departments of the Secretariat and the District Government Pleader, Poona are enclosed for information.

Your obedient servant,

Sd/- P.N.Mase.

Secretary to Government.

SNT/MA.5.

No.F.211/2/42-G.& G.(Jud.)
Government of India,
LEGISLATIVE DEPARTMENT.

From - K.V.K. Sundaram, Esquire, I.C.S.,
Joint Secretary to the Government of India,

To- The Secretary to the Government of Bombay,
Legal Department, Bombay.

New Delhi, the 11th September, 1945.

Subject:- Contribution paid to the Government of Bombay for the work done by their Law officers for the Central Government from the 1st April 1945.

Sir,

With reference to the correspondence resting with your letter No. 3768 dated the 16th May 1945, on the subject noted above, I am directed to say that in 1939 the Government of India agreed to the payment to the Government of Bombay of an annual contribution of Rs. 12,000 for the work done by their law officers for the Central Government on the basis of the average number of cases dealt with by the Provincial Law Officers on behalf of the Central Government during the years 1936-1937. The total number of cases dealt with by the Provincial Law Officers on behalf of the Central Government during the four years ending 1940-41 was only 409 as communicated in your letter No.2818 dated the 14th April 1944. On a scrutiny of the lists forwarded there with it is found that out of 409 cases, approximately 200 were cases in which advice was tendered by the Government Pleader to M.E.S. and Cantonment Boards for which payment is to be made by the M.E.O. concerned from the Defence Services Estimates. It is suggested that in such cases the Provincial Government will instruct their Government Pleaders to submit their bills for opinion as well as drafts to the local M.E.O. concerned. These cases are therefore to be excluded from the scope of the general arrangement which the Government of India have made with the Provincial Government and for which a lump sum contribution is paid. This leaves a balance of only 209 cases spread over a period of four years or an average of 52 cases in a year. It is on the basis of this figure that the future contribution of the Government of India for the services rendered by the Provincial Law Officers to Central Government Departments is to be determined.

2. I am to state that the work done by the law officers of the Government of Bombay for the Central Government has appreciably decreased and the Government of India, therefore, consider that an annual contribution of Rs.5,000 for a period of 5 years with effect from the 1st April 1945 would be justifiable. An early reply to this letter is requested.

I have the honour to be,
Sir,
Your obedient servant,

K.V.K.Sundaram.

Joint Secretary to the Government of India.

SWI/ZL.5.

Submitted with pps.

2. Pl. see our letter No. 3768, dated 16.5.1945 at p.23 ante. The G. of I. clarifies the statement in their letter at p. 25 ante stating that the total number of cases dealt with by the Provincial Law Officers on behalf of the Central Govt. during the four years ending 1940-41 was only 409 out of which, on a scrutiny of the lists, it is found that 200 were cases in which advice was tendered by the Govt. Pleader, Poona to M.E.O. and Cantonment Boards for which payment is to be made by the M.E.O. concerned from the defence services Estimates. The G. of I. therefore suggests that in such cases the E.G.Ps should be instructed to submit their bills for opinion as well as drafts to the local M.E.O. concerned. Such cases are therefore to be excluded from the scope of the arrangement as regards the payment of a lump contribution. The G. of I. states that this leaves a balance of only 209 cases spread over a period of 4 years or an average of 52 cases in a year and considers that it is on the basis of this figure that the contribution is to be determined adding that as the work done by the Law Officers of the Bombay Govt. has appreciably decreased an annual contribution of Rs. 5,000/- for a period of 5 years from 1.4.1943 would be justifiable.

3. As the point has been clarified by the Govt. of India with regard to the number of cases in which advice was rendered to the M.E.O. the D.G.P. Poona may perhaps be asked to specify in details the number of such cases with particular reference to the dates on which he has drawn his bill from the R.L.A's grant.

4. Attention is however invited to Superintendent's note dated 3.5.1945. The whole position has been fully explained therein giving the number of cases from 1937-1941 on behalf of the Govt. of India with the percentage, the basis on which the contribution figure has been worked out i.e. 2.60. Although the percentage falls a little bit low it has been stated that the present contribution figures may be allowed to be continued for the reasons stated in para 4(b) of Superintendent's note dated 3.5.1945.

Before any reply is proposed to the G. of I. perhaps the D.G.P., Poona may be called upon to furnish details as in para. 3 above with a view to ascertaining first the exact number of cases in which he has preferred any bill to the M.E.O. concerned and the payment made

(P.T.O.

mble from the Defence Service Estimates. As regards 'A' overleaf of the G. of Is letter necessary instructions of all the D.G.Ps may perhaps be issued sendiltaneously.

Sd/- 21/9.

Submitted with pp.

Attention is invited to this deptt. letter No.3766, dated the 16th May 1945, in which the Govt. of India Leg.Deptt. was requested to clarify their statement that a large number of cases dealt with by the D.G.P. Poona, appear to be cases for which payments were made seperately under the special arrangements made by the Def. & War Deptts. with the Provl. Govt. In their reply at p. 25 ante the Govt. of India are silent on the point.

In the present letter the Govt. of India a refer to one letter No.2818, dated the 14th April 1944 wherein we had stated that the total number of cases sent for the 4 years from 1937-38 to 1940-41 came to 409 and add that out of these cases, there were 200 cases in which advice was tendered by the G.Ps. to M.E.O. & Cantonment Boards and requested this Govt. to instruct the G.Ps. concerned to prefer their bills to the local M.E.O. concerned for payment which would be made out of the De-fence Services Estimates. On this plea they propose to exclude the above cases from consideration and to fix the present amount of contribution on that basis, thus bringing down the total to 209 cases for 4 years or on a average of 52 cases per year. On the decreased basis of these 52 cases per year the Govt. of India consider that the amount of Rs. 3000 per year. as contribution, commencing from the year from 1st April 1943 onwards would be justifiable.

It will be seen from the papers that the contribution of Rs.12,000 was intereila fixed on the basis of the monthly retainer, paid to the D.G.Ps (which has been increased by 10% for a period of 1 year in the 1st instance since 1st Nov. 1944), the opinion work for the Provl. as well as Central Govt. being covered by it. The question of asking the D.G.Ps, to prefer bills to the M.E.O. concerned for giving opinions does not arise with the result that the total number of cases cannot be reduced.

In this connection attention is also invited to para. 4 of the office note dated 3/5/45 on p. 20 ante.

In view of the above we should press the Govt. of India to continue

continue the present contribution of Rs. 12,000/- per year.

For orders.

I.D. 8/10

S.A.S. Two points seem to arise, (a) In certain cases the D.G.P. Poona, has been permitted to draw his bill from the R.L.A.s grant, though he should have been paid by the M.E.O. conference. This might admit of adjustment, but details must be obtained from the D.E.P. this applies to other D.G.Ps also. (b) In regard to future Contributions from the G. of I.- the office note at pages 18-20 shows that this method of calculating this Contribution did depend upon the number of cases and that with 409 cases only, we were entitled to Rs.7500/-. If, as the G. of I now point out, the cases were really 209 and not 409, We would be entitled to a much smaller sum the Rs.5000/-/ which is the offer made by the G. of I.

I think we can contend that the method of calculation previously adopted does not take into account the fees .We have to pay to the D.G.Ps and is therefore really wrong and to adjust; and that the G. of I might see their way not to reduce their Contribution.

Sd/-
17.10.

A .L.R. Pl. put up papers of 1939 whether Govt. of India agreed to pay Rs.12000 to the Bom. Govt. for work done by the Law Officers & consider whether the opinions given by the R.L.A. are included in the figure supplied to the Govt. of India.

Sd/-
19/10.

A.L.R. We may reply to the Govt. of India on the following lines :-

Although the number of cases dealt with by the Law Officers of this Province on behalf of the Govt. of India has since decreased, it is sufficiently offset by their complexity

complexity due to emergency legislation and constitutional changes. Further, this Govt. has since been required to incur additional expenditure due to the increase in the retainer & daily fees of the Law Officers. In the circumstance this Govt. is justified in requesting the Govt. of India to continue the same contribution.

R.K.Kabaki.
8/11

D.S. In view of A on p. 25, I regard the G. of I. offer in para 2 of their letter at p. 25 as generous enough and I recommend accepting it. Taking the figures on p. 18, the percentage of work (209 cases) is 1.3% , proportionate share of expense of the enhanced rates is (1.3% of Rs. 285700) Rs. 3715. As against this, the offer of Rs.5000 is not grudging and should be acquiesced in after U.O.R. to F.D.After the U.O.R. to F.D. is made, all D.G.Ps should be asked to take action as suggested at A on p.25, and in especial the D.G.P, Poona who has the largest of such claims and credit their collections to Govt.

Sd/-

13/11/45.

I don't think we have any case for resisting the Govt. of India offer which is generous enough should be accepted. 'A' may be done after U.O.R. to F.D.

Sd/-

13/11/45.

U.R. to F.D. No. 8516 dated the 14th November 1945.

The L.D. proposes in these papers to accept the Govt. of India offer to pay an annual contribution of Rs.5,000 for work done by the Law Officers for the Central Govt. for a period of 5 years with effect from the 1st April 1943. The Govt. of India in the letter dated 14-9-39 had agreed to pay an annual contribution of Rs.12,000 with effect from the financial year 1939 for a period of 5 years in the first instance. This amount was demanded by this Govt. on a share or loss method on basis of percentage of work done for the Govt. of India by the R.L.A. and his staff during the 5 years 1933-37 in relation to the volume of this Govt.'s work. The percentage during this period worked out at 8.7 and, calculated on the basis of cost of the R.L.A. and law officers, this Govt. was entitled to a contribution of Rs.17,287. The total cost adopted for this calculation did not also include pensionary and leave charges incurred over the L.D. establishment. The following table shows the corresponding figures for the 4 years 1937 to 1940.

Year.	No.of cases on behalf of G. of I.		Percentage vis-a-vis Bombay Govt.'s.	Total cost on establishment.
			1939.	Rs.
1937-38	123		3.00	
1938-39	94		2.43	
1939-40	119		2.98	2,85,700
1940-41	73		2.06	
	409	Average.	2.60	Percentage cost 7,500
Mines M.E.S. and Cantonment Cases.	200			
	209		1.3	3,715

As the amount of contribution is based on relatives percentage of cases of this Govt. and the Govt. of India and total cost of establishment, the amount offered by the Govt. of India does not appear unreasonable. It may be assumed that there would not be any important fluctuation during the remaining period of 5 years from 1-4-45. We may therefore accept the L.D. proposal including 'A' on Pg.32.

84/-

SHT/21.5.

Legal Remembrancer.

Submitted.

The Government of India's proposal to fix an amount of Rs. 5,000/- per year for the five years begining from 1st April 1943 on account of contribution for the work done by the Law Officers of this Government on behalf of the Central Government, agreed to by this Department, has been accepted by the Finance Department. A draft letter to the Government of India is put up for approval.

2. After issue of the letter, necessary instructions will be issued to the D.C.Ps. for recovering the dues, if any, from the M.E.Co. concerned, and crediting the recoveries to Govt.

Sd/- S
18/12.

Supdt. Sd/- J.D.
18/12.

S.A.S. Sd/- G.S.C.
18/12.

A.L.R. Sd/- R.T.Mcnerki.
19/12.

D.S. Sd/-
26/12/43.

No. 46 37 to 39.

Legal Department,
Bombay Castle, 4th January 1946.

From

F.N.Hoss, Esquire, Bar-at-Law, I.C.S.,
Secretary to the Government of Bombay,
Legal Department.

To

The Secretary to the Government of India,
Legislative Department,
New Delhi.

Subject:- Contribution payable to the Government of Bombay for the work done by their Law Officers for the Central Government from the 1st April 1943.

- - - - -

Sir,

With reference to the correspondence ending with Mr. Sundaram's letter No. F.211/2/42-C. & G.(Judl)., dated the 11th September 1945, on the above subject, I am directed to state that this Government agrees to the annual contribution for the work done by the Law Officers of this Government for the Central Government, being fixed at Rs. 5,000/- for a period of five years beginning from 1st April 1943 as proposed by the Government of India.

I am further directed to state that this Government accepts the suggestion of the Government of India that in cases of advice tendered by the Government Pleaders to the M.E.Os. and Settlement Boards, their bills (for opinion as well as drafts) should be preferred to the local M.E.Os. concerned, and is issuing instructions to the Government Pleaders accordingly.

Yours obedient servant,

Sd/- F.N.Hoss.

Secretary to Government of
Legal Department.

SLE/21.5.

No.F.211/2/42-C. & G.(Jud.)
Government of India,
LEGISLATIVE DEPARTMENT.

From

The Honourable Mr. Shamsul A. Lal, C.I.E.,
Joint Secretary to the Government of India.

To

The Secretary to the Government of Bombay,
Legal Department.

New Delhi, the 19th February, 1946.

Subject:- Contribution payable to the Government of Bombay for the work done by their Law Officers for the Central Government.

Sir,

With reference to the correspondence resting with your letter No.46, dated the 4th January 1946, and in modification of the letter from the Home Department, No.3/1/38-Judicial, dated the 30th November 1939, on the subject noted above, I am directed to say that the Government of India agree to the payment of an annual contribution of Rs.5,000 with effect from the 1st April 1945 to the Government of Bombay for the work done by their law officers for the Central Government. The contribution will be payable at this rate for a period of five years.

2. The above agreement does not cover cases in which advice is tendered by the Provincial Law Officers to N.W.Cs. and Cantonment Boards for which payment will be made by the N.W.Cs. concerned from the Defence Services Estimates.

3. As the contributions for the years 1943-44 and 1944-45 have been paid at the rate of Rs.12,000/- per annum, the Government of India will be glad if the Provincial Government would agree to the overpayments in respect of these two years being adjusted in the manner indicated below:-

Rs.5,000/- to be adjusted against the current year's contribution
Rs.5,000/- against the contribution for the year 1946-47; and
Rs.4,000/- against the contribution for the year 1947-48.

I have the honour to be,
Sir,
Your obedient servant,

Sd/- S.A.LAL.

Joint Secretary to the Government of India.

SNE/22.5.

R.I.No.1440/ 16.2.1946.

Submitted with reference to this Deptt. letter No.46, dated the 4th January 1946 at p.39 ante.

2. The Govt. of India, Legis.Deptt, in their letter No.F.211/2/43G Ad.,(Jail), dated the 13th Feb. 1946 (p.41) have agreed to the payment of an annual contribution of Rs.3,000/- with effect from 1st April 1943 for a period of five years, to the Govt. of Bombay and have requested that the overpayments in respect of contributions for the years 1943-44 and 1944-45 which have been paid at the rate of Rs-12,000/- may be adjusted in the manner indicated below:-

Rs.3,000/- to be adjusted against the current year's contribution.

Rs.3,000/- against the contribution for the year 1946-47;&

Rs.4,000/- " " " " " " 1947-48.

3. Subject to approval, the suggestion of the Govt. of India regarding adjustment of the overpayments may be agreed to after U.R. to F.D.

Sd/- V.R.D. 20/2

Deptt. J.D. 20/2

S.A.S. Sd/- 20/2

A.L.O. N.T.Katrak 20/2

U.R. to F.D. No.1720 dated the 1-2-46.

Finance Department (F).

Submitted with reference to office note dated 5-12-45 underlying L.D. letter No.46,dated 4-1-46 to the G. of I. The proposal of the L.D. may be agreed to.

Sd/-

SMT/22.5.

Legal Department,
Bombay Castle, 27th March 1946.

From

P.N.Mehta, Esq., Bar-at-Law, I.C.S.,
Secretary to the Government of Bombay

To

The Joint Secretary to the Government of India,
Legislative Department, New Delhi.

Subject:- Contribution payable to the Government of Bombay for the work done by their Law Officers for the Central Government.

Sir,

With reference to your letter No.F.211/2/43-G and G.(Jail), dated the 13th February 1946, on the above subject, I am directed to state that this Government agrees to the proposal made therein, regarding adjustment of overpayments in respect of contributions made during the years 1943-44 and 1944-45.

Your obedient servant,

Sd/- A.R.Khan.

for Secretary to Government,
Legal Department.

SMT/22.5.

Submitted with pp.

Letter to the Government of India having been issued, necessary Memo. regarding instructions to the D.G.Ps. as per Government of India's suggestions in connection with the bills to be preferred by the D.G.Ps. to the local M.E.Os. and Cantonment Boards in cases of advice tendered by them to the M.E.Os. etc. is put up herewith for approval.

2. Before however, the instructions are issued to the D.G.Ps. the point as to what fees should be charged by the D.G.Ps. in such cases in the absence of provision in L.O.Rs. may be settled. Incidentally it may be pointed out that a fee of Rs.30/- is provided for in the L.O.Rs. for the G.P.High Court, Bombay, for giving opinions in Criminal Cases. It is therefore for consideration whether a fee of Rs. 15/- for opinions and Rs.20/-per draft may be fixed.

SM/22.5.

Fees:
Recovery of ——— from the Military Estate Officers and Cantonment Boards for advice tendered by the District Government Pleaders.

GOVERNMENT OF BOMBAY.
Legal Department.
Circular Memorandum No. 4980

Bombay Castle, 12th July 1946.

Government Circular Memorandum.

At the suggestion of the Government of India, the Government of Bombay has decided that in cases of advice tendered by the District Government Pleaders to the Military Estate Officers and Cantonment Boards, the District Government Pleaders should prefer their bills for such advice to the local Military Estate Officers concerned, credit to Government the amount of these bills and report to Government in the Legal Department in re the recoveries so effected.

2. The fees to be charged in such cases should be settled by the District Government Pleaders with the Military Estate Officers and Cantonment Boards concerned.

3. The District Government Pleaders should take necessary steps to recover their dues from the Military Estate Officers concerned according to these orders with effect from 1st April 1943.

By order of the Governor of Bombay,

Sd/- D.L.Chaudhari,

P.N. 1003,
Secretary to Government.

To
All District Government Pleaders.
The Accountant General, Bombay.
All treasury Officers.

SHI/22.3.

No.F.211/2/45-G.80.(Judl.)
Government of India,
LEGISLATIVE DEPARTMENT.

From - The Honourable Mr.K.V.K. Sundaram,I.C.S.,
Joint Secretary to the Government of India.

To - The Secretary to the Government of Bombay,
Legal Department.

New Delhi, the 25th May, 1946.

Subject:- Contribution to the Government of Bombay for the services rendered by their law officers to the Central Government Budget estimates for 1946-47.

Sir,

In continuation of this Department letter No.F.211/2/45 G. 80.(Judl)., dated the 21st November, 1945, on the subject noted above, I am directed to forward for information a copy of an extract containing the details of the grant voted by the Central Legislative Assembly in respect of sub-head B-4-Payments to Provincial Governments for the services of Provincial law officers in Demand No.XI-Administration of Justice for the year 1946-47.

2. In this connection I am to invite a reference to this Department letter No.F.211/2/42-G 80.(Judl)., dated the 13th February,1946,and your reply No.2337, dated the 27th March, 1946.

I have the honour to be,
Sir,
Your obedient servant,

Sd/-
Joint Secretary to the Government of India

SNT/22.5.

55 to 69.

No.Bud.7.1/729 Bombay. 4 October 1946.

From

B.C.Dutt Esq.,

ACCOUNTANT GENERAL, BOMBAY,

The Secretary to the Government
of Bombay,
Legal Department, BOMBAY.

Sir,

I have the honour to forward herewith, in duplicate, the Budget Estimate for 1947-48 under the major head "27.Administration of Justice (Central)" for approval and transmission to the Government of India. In this connection a reference is invited to the Government of India, Legislative Department, letter No.F.211/2/43-G & E.(Jail.) dated the 13th February 1946 to your address.

I have the honour to be,
Sir,
Your most obedient servant,

Sd/- B.C.Dutt.

ACCOUNTANT GENERAL.

Enclosures
'Pedder'
11.10

SMT/22.5.

Submitted.

2. The A.G.,Bombay, forwards in duplicate the Budget Estimates of Rs.1,000/- for 1947-48 under "27- Administration of Justice- Central on account of annual contribution from the Government of India for work done by the Law Officers of the Bombay Government for the Central Govt. for approval and transmission to the Government of India and invites a reference to the Govt. of India, Legislative Deptt. letter No.F.211/2/42-C & G.(Jud.), dated 13-3-46 to this Department.

3. The budget estimates may be transmitted to the Government of India as per letter put up for approval and copies thereof may be addressed to the F.D. and the A.G. Bombay for information. With reference to the Govt. of India's letter the A.G.Bombay may be informed that the Govt. of Bombay has accepted the arrangement proposed by the Govt. of India, Legislative Deptt. in their letter No.F.211/2/42-C & G (Jud.), dated 13-3-1946 (vide L.D. letter No.2337 dated 27-3-46 copy approval.) and hence the annual adjustment, on account of the contribution, in the accounts for 1945-46 need not be made. As regards recovery from the M.E.Cs. and the Cantonment Boards for services rendered either by the Provincial Law Officers, necessary action has been taken by this Deptt. in the G.C.L.D. No.4980, dated 12-7-1946.

Sd/- 26/10

Supdt. 28 XD 4/11.

A.S.

Please see L.D. letter No.8153 dated 1-11-1945 slipps R in Bud-II-27-Misl/46-47 The draft letter proposed at pl13 post is on these lines. Action at A-3 above may be taken.

Sd/- B.D.Pandit.
4/11/46.

A.L.R. Sd/-

SM/22.5.

Letter. No.

L.D.
Bombay Castle, October 1946.

To

The Secretary to the Government of India,
Home Department.

Subject:- Contribution from Central Revenue to the Bombay Government for the work done by their Law Officers for the Government of India.

Sir, I am directed to forward the accompanying budget estimate and to request that a sum of Rs.1,000 under "27-Administration of Justice Central" representing the amount of contribution from the Govt. of India for the year 1947-48 may kindly be provided in the Budget Estimate for 1947-48.

Your obedient servant.

Sd/-

Secretary to the Government of Bombay,
Legal Department.

Copy for information to-

The Finance Department.

The Accountant General, Bombay (with reference to his letter No.Bud.7.1/729, dated 11-10-46. The Govt. of Bombay has accepted the arrangements proposed by the Government of India, Legislative Department, in their letter No.F.211/2/42-O & O(Pub)., dated 13-8-1946. and hence annual adjustment, on account of the contribution, in the accounts for 1945-46 need not be made. As regards recovery from the M.E.Os. and the Cantonment Boards for services rendered to them by the Provincial Law Officers, necessary action has been taken by this Deptt. in its G.O.L.D.No.4980, dated 12-7-1946.

SMT/22.5.

No.DAIII.27Pres.Bombay.
32 03

FROM 11 Nov. 1946.

THE ACCOUNTANT GENERAL, BOMBAY,

To

The Secretary to Govt. of Bombay,
Legal Department, Bombay.

Sub:-Contribution payable to the Govt.
of Bombay for the work done by their
Law Officers for the Central Govt.

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Sir,

I have the honour to invite a reference to this office letter No.DAIII.27/presy/203 dated 16.4.46 and a subsequent reminder No. DAIII.27Presy/2077 dated 29.3.46 on the subject noted above and to request Govt. to favour with a very early reply thereto.

Your obedient servant,

Sd/-
Asstt.Accountant General.

SMK/22.5.

No.9039
Legal Department,
Bombay Castle, 19th December 1946.

To

The Accountant General, Bombay.

Subject:- Contribution payable to the Government of Bombay for the work done by their Law Officers for the Central Government.

Sir,

With reference to your letter No.D.A.III,27/Presy/203, dated the 18th April 1946, on the above subject, I am directed to invite your attention to this Department letter No.7774, dated the 7th November 1946, addressed to the Secretary to the Government of India, Home Department and to the remarks on the copy endorsed to you. I am to add that Government Circular, Legal Department, No.4980 dated 12th July 1946, was duly addressed to you. A copy of the same is sent herewith.

Your obedient servant,

Sd/-

For Secretary to Government.

SHT/22.3.

No.F.211/4/46-Ann.(Bdl.) 81.
Government of India,
LEGISLATIVE DEPARTMENT.

From

The Honourable Mr.L.J.D. Walmsley,O.B.E.,I.C.S.,
Joint Secretary to the Government of India.

To

The Secretary to the Government of Bombay,
Legal Department.

New Delhi,(3); the 10th December,1946.

Subject:- Contribution to the Government of Bombay for the services rendered by their law officers to the Central Government,Budget Estimates for 1947-48.

Sir,

With reference to your letter No.7774, dated the 7th November, 1946, addressed to the Home Department, I am directed to forward for information a copy of a letter from the Finance Department to the Accountant General, Bombay, No.D.9793-B/46, dated the 20th November, 1946, provisionally accepting a sum of Rs.1,000/- for inclusion in the budget estimates for 1947-48, on account of payments to the Government of Bombay for work done by Provincial Law Officers.

I have the honour to be,
Sir,
Your obedient servant,

Sd/-

Joint Secretary to the Government of India.

S:T/22.3.

No.D.9793-B/46.
Government of India,
FINANCE DEPARTMENT.

NEW DELHI: THE 28TH NOVEMBER 1946.

From

Ameer Ali,Esquire,
Under Secretary to the Government of India.

To

The Accountant General,Bombay.

Subject:- Budget estimates, 1947-48 -27-Administration of Justice -Central - Bombay.

Sir,

I am directed to state that the Government of India have provisionally accepted a sum of Rs.1,000 for inclusion in Part I of the budget estimates for 1947-48 under the head mentioned above on account of payments to the Government of Bombay for work done by Provincial Law Officers.

I have the honour to be,
Sir,
Your most obedient servant,

Sd/- Ameer Ali.

Under Secretary to the Government of India.

SM/12.3.

Submitted with ppe. for information.

The Secy. G. of I. (Legislative Deptt.) forwards a copy of the Finance Department's letter to the A.G.Bombay No.9793-B/46 dt.20-11-46 by which the Central Govt. has accepted provisionally a sum of Rs.1,000/- for inclusion in the budget estimates for 1947-48 on account of payments to the Govt. of Bombay for work done by Provincial Law Officers. This means that the Contribution received for 1943-44 and 1944-45 at Rs.12000/- per year has been fully adjusted in the manner indicated by G. of I. (Legislative Department)'s letter No.F.211/2/42-Gen(Jud.) dt.13-3-1946. (copies of ppe kept below). no action on these papers is necessary and they may ~~replied~~ like after U.R. to the F.D.

Sd/- 23/12. seen at A.

Supdt. J.D. 23/12. B.D.Pandit, 20/12.

A.A.S. A.A.S.

A.A.L.R. F.A.S.D.note

U.R. to F.D. No.9395, dated 24-12-46.

Finance Department.

Seen and returned to L.D. This has been taken into account.

Sd/-

SMT/22.5.

L.D.
13011
31/12/46.

Submitted for information.

2. Please see office note dated 13-12-1946 at p.3 The papers may now be filed in Dni II-27 Mscl./47-48.

Sd/-

Supdt. J.D. 7/1

A.D.C. D.D.Pers(II). 8/1.

A.A.L.R.

SM/22.5.